

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

ADELINA C. ROCABRUNA, *et al.*,

*Plaintiffs,*

v.

BANK OF AMERICA, N.A.,

*Defendant.*

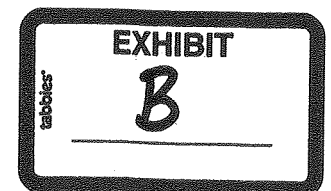
Civil Action No. 1:12-cv-00506 (LMB/TCB)

**DEFENDANT BANK OF AMERICA, N.A.'S  
AMENDED RULE 26(a)(1) DISCLOSURES**

Defendant Bank of America, N.A. ("BOA"), by counsel and pursuant to Rules 26(a)(1) and 26(e) of the Federal Rules of Civil Procedure and this Court's July 23, 2012 Scheduling Order (Dkt. No. 24), respectfully amends its initial disclosures previously served on Plaintiffs in the above-captioned action.

These amended initial disclosures are based on BOA's current information and knowledge. Discovery and pretrial preparation may develop further information affecting these initial disclosures, which are not intended to limit BOA's use of additional information subsequently obtained during the course of discovery and further investigation. Consequently, BOA makes these disclosures without waiving its right to further supplement, delete or modify them as such further information is developed during discovery.

In addition, these amended initial disclosures are made without prejudice to BOA's rights to further produce, during discovery or at any point before trial, data, information or documents that are: (i) subsequently discovered; (ii) subsequently determined to be relevant for any purpose; or (iii) subsequently determined to have been omitted from these initial disclosures.



BOA reserves all applicable objections to any request for, and use of, the information contained in these initial disclosures.

(A) The following individuals are likely to have discoverable information that BOA may use to refute Plaintiffs' claims or support their defenses:

1. **Ms. Adelina C. Rocabruna**  
29 Running Brook Lane  
Sterling, Virginia 20164  
Tel: Unknown  
Subjects: Ms. Rocabruna, a plaintiff, is likely to have information of all allegations contained in the Complaint.
2. **Mr. Miguel A. Rocabruna**  
29 Running Brook Lane  
Sterling, Virginia 20164  
Tel: Unknown  
Subjects: Mr. Rocabruna, a plaintiff, is likely to have information of all allegations contained in the Complaint.
3. **Ms. Sandra Evans**  
Bank of America, NA  
Ms. Evans must be contacted through the undersigned counsel for BOA.  
Subjects: Ms. Evans has information related to the allegations in Plaintiffs' Complaint and BOA's Answer filed in this action. She is familiar with Plaintiffs' credit report dispute, reporting history, credit dispute investigations procedures, and individuals who perform credit dispute investigations, as well as and other facts related to the facts of this case.
4. **Mr. Edmund Bouchane**  
Customer Advocate  
Bank of America, NA  
100 North Tryon Street,  
Charlotte, North Carolina 28255  
Tel: (888) 533-1310  
Mr. Bouchane must be contacted through the undersigned counsel for BOA.  
Subjects: Mr. Bouchane may have information related to Plaintiffs' QWRs, but is unlikely to recall any such information related to Plaintiffs' QWRs due to the large number of requests he processes.
5. **Any fact or expert witness named on any other party's Witness List.**

In addition to the individuals named above, BOA anticipates that a number of additional current or former employees, consultants, agents or representatives of BOA will have information relevant to this litigation. Discovery in this action has only recently commenced, and evaluation of the facts is ongoing. Pending further development of the facts, BOA identifies by reference the following additional categories of individuals:

6. **BOA Loan Modification Representatives**  
Loan Modification Representatives must be contacted through the undersigned counsel for BOA.  
Subjects: BOA anticipates that a number of Loan Modification Representatives may have information related to Plaintiffs' granted and denied loan modifications.
7. **BOA Loan Counseling Center Employees**  
Loan Counseling Center Employees must be contacted through the undersigned counsel for BOA.  
Subjects: BOA anticipates that a number of Loan Counseling Center Employees may have information related to Plaintiffs' loan repayment options.
8. **BOA Payment Processing Division Employees**  
Payment Processing Division Employees must be contacted through the undersigned counsel for BOA.  
Subjects: BOA anticipates that a number of Payment Processing Employees may have information related to Plaintiffs' payment history and application of payments.
9. **BOA Credit Reporting Employees**  
Credit Reporting Employees must be contacted through the undersigned counsel for BOA.  
Subjects: BOA anticipates that a number of Credit Reporting Employees may have information related to the reporting of Plaintiffs' delinquent payments and subsequent disputes.
10. **Credit Reporting Agencies**  
The three major credit reporting agencies should be contacted through their outside counsel.  
Subjects: BOA anticipates that the three major credit reporting agencies may have information related to Plaintiffs' credit report disputes, communications with Plaintiffs, communications with BOA, and the resolution and/or disposition of Plaintiffs credit disputes.

(B) The following categories of documents are in BOA's possession, custody, and control and may be used by BOA to refute Plaintiffs' claims or support BOA's defenses in this action:

1. Documents, including e-mails, relating to Plaintiffs' loan payment history and account status;
2. Documents, including e-mails, relating to Plaintiffs' loan modification history;
3. Documents, including e-mails, relating to the account servicing files for Plaintiffs' mortgage account, including, but not limited to, records of telephone communications or attempted communications with Plaintiffs;
4. Documents, including e-mails, relating to credit reporting of Plaintiffs' mortgage payment history;
5. Documents, including e-mails, relating to Plaintiffs' credit reporting disputes;
6. Documents, including e-mails, relating to Plaintiffs' QWRs;
7. Any documents identified by any other party in their Rule 26(a)(1) disclosures, produced by any person during discovery, or any documents used by any party at trial.

All relevant documents that are kept online in the normal course of business at BOA. BOA will produce to Plaintiffs all discoverable documents upon Plaintiffs' proper requests.

(C) BOA does not seek any damages from the Plaintiffs. BOA reserves the right to seek attorneys' fees pursuant to Rule 11 of the Federal Rules of Civil Procedure.

(D) BOA does not believe it has any insurance agreements which any person carrying on an insurance business may be liable to satisfy part of or all of a judgment which may be entered in the action. BOA's investigation into whether they have

any such insurance agreements, and will supplement these disclosures if their investigation reveals any.

Dated: September 21, 2012

Respectfully Submitted,

**BANK OF AMERICA, N.A.**

*By Counsel*

**MCGUIREWOODS LLP**

/s/ Anand V. Ramana

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*Counsel for Defendant Bank of America, N.A.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 21st of September, 2012, I served the following individuals by electronic mail and U.S. mail, postage prepaid:

Leonard Anthony Bennett  
Susan Mary Rotkis  
CONSUMER LITIGATION ASSOCIATES, PC  
12515 Warwick Blvd., Suite 100  
Newport News, VA 23606  
Telephone: 757-930-3660  
Facsimile: 757-930-3662  
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Kristi Cahoon Kelly  
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/s/

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